

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MY PREMIER NURSING CARE,

Plaintiff,

Case No. 21-cv-12657
Hon. Matthew F. Leitman

v.

AUTO CLUB GROUP INSURANCE
COMPANY and UNITED
HEALTHCARE INSURANCE
COMPANY,

Defendants.

**ORDER GRANTING PLAINTIFF LEAVE
TO FILE A SECOND AMENDED COMPLAINT**

On October 4, 2021, Plaintiff My Premier Nursing Care (“My Premier Nursing”) filed a First Amended Complaint against Defendants Auto Club Group Insurance (“Auto Club”) and United Healthcare Insurance Company (“UHC”) in Wayne County Circuit Court. (*See* ECF No. 1-2.) At some point thereafter, Auto Club filed a motion for summary disposition in that court. Then, on November 12, 2021, Defendant UHC removed My Premier Nursing’s action to this Court. (*See* Notice of Removal, ECF No. 1.)

On today’s date, March 25, 2022, the Court held a status conference with the parties to discuss My Premier Nursing’s action. During this status conference, UHC identified potential defenses it may have to its inclusion in this action. My Premier Nursing thereafter asked for leave to amend its First Amended Complaint.

As stated on the record, and without expressing any view regarding the merits of UHC's potential defenses, the Court **GRANTS** My Premier Nursing's request for leave to file a Second Amended Complaint. The Court does not anticipate allowing My Premier Nursing another opportunity to amend to add factual allegations against UHC that it could now include in its Second Amended Complaint. Simply put, this is My Premier Nursing's opportunity to allege any and all additional facts, currently known to it, to support any claims it may have against UHC. Likewise, this is My Premier Nursing's opportunity to allege any and all additional facts, currently known to it, to support any claims it may have against Auto Club. The Court does not anticipate giving My Premier Nursing further leave to amend to add factual allegations against Auto Club that it could include in its Second Amended Complaint.

Accordingly, by not later than **April 22, 2022**, My Premier Nursing shall file a Second Amended Complaint. Upon the filing of a Second Amended Complaint, the Court will terminate without prejudice Auto Club's pending motion for summary disposition that it filed in state court. Once My Premier Nursing files its Second Amended Complaint, Defendants Auto Club and UHC shall have **30 days** to answer or otherwise respond to that pleading.

IT IS SO ORDERED.

s/Matthew F. Leitman

MATTHEW F. LEITMAN
UNITED STATES DISTRICT JUDGE

Dated: March 25, 2022

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on March 25, 2022, by electronic means and/or ordinary mail.

s/Holly A. Ryan

Case Manager

(313) 234-5126